

[NEW DEFINITIONS TO ADD TO CHAPTER 3. REPLACE DUPLICATE TERMS]

ADULT DAYCARE FACILITY: Any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardians for periods of less than twenty four (24) hours per day.

BOARDER: A person living in a rented room in a boarding house. The boarding house operator or member of his or her immediate family who resides on the premises with the operator, shall not be considered to be a boarder.

BOARDING HOUSE: A building or a portion thereof where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of the boarding house. The work shall include compensation in money, services, or other things of value. A boarding house does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a nonresidential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective, or other similar services to the occupants.

BUILDING, PUBLIC: For purposes of this Chapter only, a public building is a building owned and operated, or owned and intended to be operated by the city, a public agency of the United States of America, the state of Utah, or any of its political subdivisions. The use of a public building, with immunity, is nontransferable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this Title includes:

- A. Properties owned by the state of Utah or the United States government which are outside of the jurisdiction of the city zoning authority as provided under Title 10, Chapter 9a, Section 304, Utah Code Annotated, 1953, as amended; and
- B. The ownership or use of a building which is immune from the city zoning authority under the supremacy clause of the United States constitution.

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such a problem or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability:

- A. Disability does not include current illegal use of, or addiction to, any federally controlled substance as defined in Section 102 of the Controlled Substances Act, 21 USC 802, or as defined under Title 58, Chapter 37, Utah Code Annotated, 1953, as amended;
- B. A physical or mental impairment includes the following:
 - 1. Any psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

2. Any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or
3. Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV), mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of controlled substances) and alcoholism.

DOMESTIC STAFF: Persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing major life activities.

ELDERLY PERSON: A person who is sixty (60) years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

HOSPITAL: An institution licensed by the state of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty four (24) hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to operate the hospital.

MAJOR LIFE ACTIVITIES: Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

NONRESIDENTIAL TREATMENT FACILITY: A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.

NURSING HOME: An intermediate care/nursing facility or a skilled nursing facility licensed by the state of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty four (24) hour per day basis. Such a facility does not include an adult daycare facility or adult daycare provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.

PROTECTIVE HOUSING FACILITY: A facility either: a) operated, licensed, or contracted by a governmental entity, or b) operated by a charitable, nonprofit organization, where for no compensation, temporary, protective housing is provided to: 1) abused or neglected children awaiting placement of foster care; 2) pregnant or parenting teens; 3) victims of sexual abuse; or 4) victims of domestic abuse.

REASONABLE ACCOMMODATION: A change in any rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The following words have the following definitions:

- A. Reasonable: A requested accommodation that will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.
- B. Necessary: The applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.
- C. Equal Opportunity: Achieving equal results as between a person with a disability and a nondisabled person.

RECORD OF IMPAIRMENT: Having a record of impairment means having a history of, or having been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

REGARDED AS HAVING AN IMPAIRMENT: A person is regarded as having an impairment when:

- | A. The person has a physical or mental impairment that does not substantially limit one (1) or more major life activities but is treated by another person as having such a limitation;
- | B. The person has a physical or mental impairment that substantially limits one (1) or more major life activities only as a result of the attitudes of others towards such an impairment; or
- C. The person has none of the impairments defined in this section but is treated by another person as having such an impairment.

REHABILITATION/TREATMENT FACILITY: A facility licensed or contracted by the state of Utah to provide temporary occupancy and supervision of individuals (adults and/or juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.

RELATED: Related by blood, marriage or adoption within the definition of "family" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS: A dwelling unit that is occupied on a twenty four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following:

- A. A facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility;
- B. A facility where persons being treated for alcoholism or drug abuse are placed; a facility where placement is not on a strictly voluntary basis or where placement is part of, or in

lieu of, confinement, rehabilitation, or treatment in a correctional institution; or a facility which is a healthcare facility as defined by Title 26, Chapter 21, Section 2, Utah Code Annotated, 1953, as amended; or a facility which is a residential facility for persons with a disability.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY: A residence in which more than one person with a disability resides and which is:

- A. Licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, licensure of programs and facilities; or
- B. Licensed or certified by the Department of Human Health under Title 26, Chapter 21, health care facilities licensing and inspection act.

RESIDENTIAL FACILITY: Any building or portion thereof where an individual is actually living at a given point and time and intends to remain, and not a place of temporary sojourn or transient visit.

[DELETE "RETIREMENT FACILITY"]

RETIREMENT HOME or RETIREMENT FACILITY: A residential facility designated, occupied, and intended for residents fifty (50) years of age or older where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping and sanitation. For purposes of calculating density, three (3) beds shall constitute one (1) dwelling unit.

SHELTER FOR THE HOMELESS: Charitable lodging or sleeping rooms provided on a temporary basis (usually on a daily basis) to those members of society lacking other safe, sanitary or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.

SHELTERED WORKSHOP: An onsite supervised educational or vocational training facility for persons with a disability and does not provide any residential facilities.

TRADE OR VOCATIONAL SCHOOL: A post high school educational or vocational training facility.

TRANSITIONAL HOUSING FACILITY: A facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually 3 to 24 months, but in no event less than 30 days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, and a dwelling unit provided to a family for the exclusive use as part of a transitional housing program, for more than thirty (30) days, shall not be considered to be a transitional housing facility.